

UTILITY BOARD/COMMON COUNCIL

Tuesday, November 26, 2019

5:30 P.M.

The Common Council and Utility Board of the City of Huntingburg met in joint session at the regularly scheduled meeting time on Tuesday, November 26, 2019 at the hour of 5:30 P.M. in the Council Chambers of the Huntingburg City Hall at 508 E. Fourth Street, Huntingburg, Indiana. Members Blessinger, McPherron, Wehr, Kissling and Bounds were present. Also present were Mayor Spinner, City Attorney Schneider and Clerk-Treasurer Dippel.

Mayor Spinner called the meeting to order.

A motion was made by Blessinger, seconded by Wehr and carried to approve the minutes of the November 12, 2019 meeting.

A motion was made by Kissling, seconded by Bounds and carried to approve the claims as presented.

Mayor Spinner then stated that this was the time and place advertised for a public hearing on proposed Ordinance No. 2019-44, An Ordinance Establishing a New Schedule of Rates and Charges for the Use of and Services Rendered by the Municipal Waterworks of the City of Huntingburg, Indiana, and Matters Connected Therewith. Notice of the public hearing was published in *The Herald* on November 15, and a copy mailed to all water rate users located outside the corporate limits of the City.

Otto Krohn of O.W. Krohn & Associates, the City's Utility Rate Accountants, was present and presented an explanation of the proposed rate increases. Mayor Spinner opened the meeting for public comments and questions on the proposed rate ordinance. After all persons desiring to be heard were given an opportunity to speak, upon motion by Kissling, seconded by McPherron and unanimously carried the public hearing was closed.

A motion was made by Bounds, seconded by McPherron and carried to adopt Ordinance No. 2019-44, previously introduced at the November 12, 2019 meeting, entitled:

**AN ORDINANCE ESTABLISHING A NEW
SCHEDULE OF RATES AND CHARGES FOR THE
USE OF AND SERVICES RENDERED BY THE
MUNICIPAL WATERWORKS OF THE
CITY OF HUNTINGBURG, INDIANA,
AND MATTERS CONNECTED THEREWITH**

Upon call of roll for the adoption or rejection of Ordinance No. 2019-44 the vote being 5 Ayes, 0 Nays in favor of adoption, Ordinance No. 2019-44 was duly passed and adopted this date.

The Mayor presented a proposed ordinance to authorize a temporary loan from the electric cash reserve fund to the municipal waterworks utility in a sum not to exceed \$1,075,000.00 for the purpose of retiring the outstanding waterworks refunding revenue bonds of 2014, dated December 31, 2014. A motion was made by Wehr, seconded by Kissling and carried to introduce as Ordinance No. 2019-50 an ordinance entitled:

**AN ORDINANCE AUTHORIZING A LOAN FROM THE ELECTRIC CASH
RESERVE FUND TO THE MUNICIPAL WATERWORKS UTILITY**

A motion was made by Kissling, seconded by Bounds and carried with unanimous consent to suspend the rules and consider the adoption of Ordinance No. 2019-50 at the same meeting it was introduced.

A motion was made by McPherron, seconded by Bounds and carried to adopt Ordinance No. 2019-50.

Upon call of roll the adoption or rejection of Ordinance No. 2019-50, the vote being 5 Ayes, 0 Nays, in favor of adoption, Ordinance No. 2019-50 was duly passed and adopted this date.

The Mayor then presented for discussion Ordinance No. 2019-43 introduced on November 12, 2019, entitled:

**AN ORDINANCE OF THE CITY OF HUNTINGBURG AUTHORIZING THE
ISSUANCE OF WATERWORKS REVENUE BONDS FOR THE PURPOSE OF
PROVIDING FUNDS TO PAY THE COST OF CONSTRUCTION OF CERTAIN
ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE MUNICIPAL
WATERWORKS OF SAID CITY, PROVIDING FOR THE SAFEGUARDING OF
THE INTERESTS OF THE OWNERS OF SAID BONDS, OTHER MATTERS
CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN
ANTICIPATION OF BONDS, AND REPEALING ORDINANCES
INCONSISTENT HEREWITH**

Attorney Schneider stated that Indiana DWSRF program requested certain amendments to the ordinance, including a covenant that no PILOT payments will be made from the water utility as long as the electric utility loan is outstanding and all electric loan repayments are to be made from the improvement fund of the waterworks. Further that no other bonds, notes, leases or other obligations payable from the revenues of the waterworks will be issued so long as the electric loan is outstanding. A revised version of Ordinance No. 2019-43 including the proposed amendments described by Schneider was presented.

Upon motion by Kissling, seconded by Bounds and unanimously carried, Ordinance No. 2019-43 was amended to include the additional covenants presented by Attorney Schneider.

Thereafter a motion was made by Wehr, seconded by McPherron and carried to adopt Ordinance No. 2019-43 as amended.

Upon call of roll for the adoption or rejection of Ordinance No. 2019-43 as amended, the vote being 5 Ayes, 0 Nays, in favor of adoption, Ordinance No. 2019-43 was duly passed and adopted this date.

Chou-Il Lee, with Taft Stettinius & Hollister LLP, representing the City in the reverse condemnation action brought by GSES, LLC, owners of the current China Wok building at 317 E. 4th Street, Huntingburg immediately adjacent to Market Street Park. He updated the Council on the status of the lawsuit. He indicated that the City's appraiser of the subject property valued the property at \$1,050.00. He indicated that the City could try to come up with an amount to settle the case, but given the initial amount contemplated, and the amount of the appraisal he would not recommend settlement. He indicated the other action the Council could take is to go through the statutory process and make an offer for the property pursuant to the statute with the appraisal that was given based off the fair market value and take the matter through the court process including mediation. He recommended the court process since what is being requested is far and above the fair market value of the property. He indicated that he will anticipate moving forward with statutory procedures through the court process unless the Council would like to direct him otherwise. The Council did not direct him otherwise.

The Mayor noted that Ordinance No, 2019-46, regulating traffic on 4th Street was introduced at the last meeting.

A motion was made by McPherron, seconded by Wehr and carried to adopt Ordinance No. 2019-46 entitled:

**AN ORDINANCE AMENDING THE HUNTINGBURG CODE OF
ORDINANCES CHAPTER 71 TO ADD A SUBCHAPTER REGULATING
TRAFFIC ON PORTIONS OF FOURTH STREET IN THE CITY OF
HUNTINGBURG**

Upon call of roll for the adoption or rejection of Ordinance No. 2019-46 the vote being 5 ayes, 0 nays, in favor of adoption, Ordinance No. 2019-46 was duly passed and adopted this date at the hour of 6:42 P.M.

The Mayor noted that Ordinance No. 2019-47, amending truck routes, was introduced at the last meeting.

A motion was made by Blessinger, seconded by Bounds and carried to adopt Ordinance No. 2019-47 entitled:

**AN ORDINANCE AMENDING THE HUNTINGBURG CODE OF
ORDINANCES CHAPTER 74, SCHEDULE IX PROVIDING FOR WEIGHT
RESTRICTIONS EXCEPTIONS ON DESIGNATED STREETS WITHIN THE
CITY OF HUNTINGBURG**

Upon call of roll for the adoption or rejection of Ordinance No. 2019-47 the vote being 5 ayes, 0 nays, in favor of adoption, Ordinance No. 2019-47 was duly passed and adopted this date at the hour of 6:43 P.M.

The Mayor noted that Ordinance No. 2019-48, amending no parking areas, was introduced at the last meeting.

A motion was made by Kissling, seconded by Wehr and carried to adopt Ordinance No. 2019-48 entitled:

**AN ORDINANCE AMENDING THE HUNTINGBURG CODE OF
ORDINANCES CHAPTER 75 PROVIDING FOR NO PARKING ON PORTIONS
OF CERTAIN DESIGNATED STREETS WITHIN THE CITY OF
HUNTINGBURG**

Upon call of roll for the adoption or rejection of Ordinance No. 2019-48 the vote being 5 ayes, 0 nays, in favor of adoption, Ordinance No. 2019-48 was duly passed and adopted this date at the hour of 6:44 P.M.

The Mayor requested the Council extend the contract with Hafer, PSC for work on a new Senior Center. Work had been done on this project in 2015, but the project went dormant. When new locations for the Senior Center were proposed the City reached out to Hafer and asked what an amendment to their contract might look like to resume the search for a newly developed Senior Citizen Center. The Mayor presented an amendment to the contract in the amount of \$21,420.00.

A motion was made by Kissling, seconded by Wehr and carried to agree to the amendment of the contract with Hafer (PSC) for development of a Senior Citizens Center.

Energy Superintendent Reutepohler presented his Gas Utility monthly report. He informed the Board of the new anode bed to help with corrosion of the pipes. Work will continue on the steel main at 4th and Geiger Streets.

Reutepohler presented the Electric Utility monthly report. He noted the new electric lines will need to be done before the airport project can proceed. Work behind the old Purple Plum business continues to bring service to the new business going in.

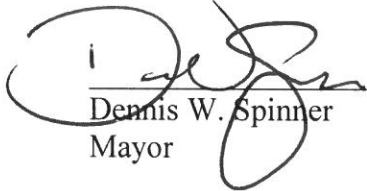
Water Superintendent Meyerholtz presented the monthly Water Utility report. He noted that last Friday the main breakers at the filter plant tripped because the GI portion

of the breaker was bad. He noted the breaker is obsolete and cannot be repaired. He noted the breaker would cost \$5,400.00 plus \$317.00 for the GFI portion.

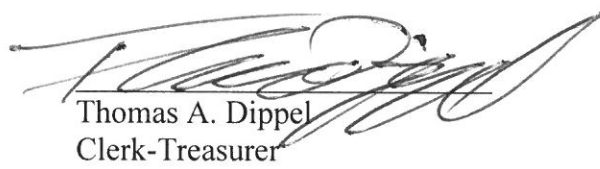
A motion was made by Kissling, seconded by Blessinger and carried to approve the purchase of the breaker as noted above.

Meyerholtz informed the Board that Aaron Bieker was hired in the Water Department. He noted that 1,530 SENSUS meters have been installed.

There being no further business before the Council, a motion was made by Kissling, seconded by McPherron and carried to adjourn the meeting at 6:59 o'clock P.M.



Dennis W. Spinner
Mayor



Thomas A. Dippel
Clerk-Treasurer